

**FELDMAN SHEPHERD**

WOHLGELEHRTER TANNER WEINSTOCK DODIG

TRIAL LAWYERS

E-Mail Address:

[dweinstock@feldmanshepherd.com](mailto:dweinstock@feldmanshepherd.com)

May 12, 2009

**Via Facsimile - 609-989-0515**

Honorable Peter G. Sheridan

United States District Court

for the District of New Jersey

Clarkson S. Fisher Building &amp; U.S. Courthouse

402 East State Street, Courtroom 7W

Trenton, NJ 08608

**Re: Ramadoss v. Ruby Tuesday's et al**  
**Docket No.: 2:05-cv-05188**

Dear Judge Sheridan:

I represent the plaintiff in the above matter, in which oral argument upon defendant's Motion for Summary Judgment is scheduled for Thursday, May 14, 2009. I am writing this letter to bring two related issues to the Court's attention, as follows:

First, in our motion papers we relied in part upon the New Jersey Court of Appeals' decision in the case of *Bauer v. Nesbitt*, 399 N.J. Super. 71, 942 A.2d 882 (2008). On May 7, 2009 the New Jersey Supreme Court reversed the Court of Appeals' decision. Defense counsel and I have discussed this opinion and (not surprisingly) we disagree about its impact or lack of impact on the legal issue presently before the court, but I wanted to bring the Supreme Court's decision to this Court's attention.

On a related subject, in part as a result of this decision we have had some significant settlement discussions, and believe we may be near reaching a resolution. However, we need a few more days to try to reach a settlement, and both counsel in the case feel it would be most productive to adjourn oral argument on the pending motion for period of about 1 week.

I am therefore writing this letter on behalf of both counsel to jointly request that oral argument be put off until a date on or after May 21, 2009.

Respectfully,



Daniel S. Weinstock

DSW/kab

cc: Daniel Young, Esquire (via Facsimile)

CAROL NELSON SHEPHERD  
 \*ALAN M. FELDMAN  
 †EZRA WOHLGELEHRTER  
 \*MARK W. TANNER  
 †DANIEL S. WEINSTOCK  
 \*JOHN M. DODIG  
 ROBERTA D. PICHINI  
 †THOMAS MORE MARRONE  
 †DANIEL J. MANN  
 PETER M. NEWMAN  
 †JASON A. DARRIA  
 THOMAS MARTIN  
 †PATRICIA M. GIORDANO  
 †EDWARD S. GOLDBERG  
 †CAROLYN M. CHOPKO  
 †EVAN Y. LIU, M.D.

OF COUNSEL  
 \*JOSEPH D. SAMS  
 BARTON A. HAINES  
 DONALD A. KRAIN

\*CERTIFIED CIVIL TRIAL ADVOCATE,  
 NATIONAL BOARD OF TRIAL ADVOCACY  
 \*LL.M. IN TRIAL ADVOCACY  
 \*ALSO MEMBER NJ BAR  
 \*ALSO MEMBER TX BAR  
 \*ALSO MEMBER NY BAR  
 \*ADMITTED IN NJ ONLY

*So Ordered*  
*Hearing shall be*  
*May 22, 2009 at*  
*10:00 AM. Trial date is*  
*not adjourned*  
*Peter Sheridan*